

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARIN MANAGEMENT, INC.,

2:09-CV-1714 JCM (LRL)

Plaintiff,

V.

GALINA KUBRAK, et al.,

Defendants.

ORDER

14 Presently before the court is plaintiff Marin Management, Inc.'s motion for default judgment.
15 (Doc. #25). Plaintiff has also filed a motion for attorneys' fees. (Doc. #26).

16 || I. Default Judgment

17 Pursuant to Federal Rule of Civil Procedure 55(a) “[w]hen a party against whom a judgment
18 for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by
19 affidavit or otherwise, the clerk must enter the party’s default.” Federal Rule of Civil Procedure
20 55(b)(2) provides that a court may enter a default judgment after the party seeking default applies
21 to the clerk of the court as required by subsection (a) of this rule.

22 Here, defendants Galina Kubrak,¹ Nellis Motel Company, Inc. (doc. #11), Prestige Realty &
23 Developers, Inc. (doc. #12), and David Lapin, L.P. (doc. #22), have been duly served, but have failed
24 to respond to the complaint. Accordingly, plaintiff applied to the clerk of the court for entry of
25 default against each defendant on July 15, 2010 (doc. #10), and the clerk entered default on July 21.

²⁷ By order on March 22, 2010, Magistrate Judge Leavitt permitted the plaintiff to serve
²⁸ defendant Galina Kubrak by publication. (Doc. #16).

1 2011, (doc. #24).

2 Plaintiff now asks this court to enter judgment against the defendants in the principal amount
3 of \$193,812.93, which includes late charges and other charges, plus all interest accrued thereafter
4 and attorneys' fees and costs. (Doc. #25, p.2). The court finds that, based on the allegations of breach
5 of contract in the complaint and the defendants' failure to defend, such relief is reasonable, and
6 plaintiff is entitled to default judgment.

7 **II. Attorneys' Fees and Costs**

8 Pursuant to Local Rule 54-16, “[a motion for attorneys’ fees] shall be filed with the court and
9 served within fourteen (14) days after entry of the final judgment or other order disposing of the
10 action.” Here, final judgment has not been entered, and the motion is untimely.

11 Accordingly,

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff’s motion for
13 default judgment (doc. #25) is GRANTED, and plaintiff shall prepare an appropriate judgment for
14 the court’s signature;

15 IT IS FURTHER ORDERED that plaintiff’s motion for attorneys’ fees (doc. #16) is DENIED
16 without prejudice.

17 DATED April 11, 2011.

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19 
20 **UNITED STATES DISTRICT JUDGE**

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